

City Council Building
Chattanooga, Tennessee
October 16, 2012
6:00 p.m.

Chairman Ladd called the meeting of the Chattanooga Council to order with Councilmen Benson, Berz, Gilbert, McGary, Murphy, Rico, Robinson and Scott present. City Attorney Michael McMahan, Management Analyst/Auditor Randy Burns and Council Clerk Carol O'Neal were also present.

PLEDGE OF ALLEGIANCE/INVOCATION

Following the Pledge of Allegiance Councilman Rico gave the invocation for the evening. Councilman Gilbert asked for a moment of silence for a Public Works employee who was involved in a boating accident and is in serious condition.

MINUTE APPROVAL

On motion of Councilwoman Robinson, seconded by Councilman Murphy, the minutes of the previous meeting were approved as published and signed in open meeting.

REZONING

2012-082: Dr. W. C. Helton

On motion of Councilman Gilbert, seconded by Councilman Murphy,
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II,
CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY
LOCATED IN THE 4200 BLOCK OF CHERRYTON DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-
4 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS**
passed second and final reading and was signed in open meeting.

REZONING

2012-119: Alan Haniszewski/RTB Holdings

On motion of Councilman Rico, seconded by Councilman Murphy,

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PART OF PROPERTIES LOCATED AT 1944 ROSSVILLE AVENUE AND 1910 JEFFERSON STREET, MORE PARTICULARLY DESCRIBED HERIEN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT OT CERTAIN CONDITIONS

passed second and final reading and was signed in open meeting.

ADOPT PLAN OF SERVICES

City Attorney McMahan declared a public hearing in process for the annexation of four tenths of an acre parcel on Old Lee Highway. He asked if anyone was present desiring to speak prior to the Council voting.

Rebecca Little of 3145 Scenic Waters Lane stated this annexation may be small and might be good for the city, community and developer but as she sees it from reading Tennessee Statue it is not compliant with Tennessee Statute; that the city has to first complete its requirements to provide services to previously annexed territories like Area 12 where she lives, and then it can legally annex more territory. She stated since 2009 the Council annexed huge amounts of territory and the people in Area 12 have been living there for 38 years and still need road improvements, sewers and the same exact services being promised in this annexation to an area where people do not live, yet. She asked that the Council consider that when they vote.

Councilman Benson stated this is in the district he represents and Ms. Little is over the border in the county, but historically we have annexed various properties where the property owner has a need and asked to be annexed. He stated sometimes it is a sewer line need and sometimes other needs and asked if Ms. Little is objecting to an owner asking that the city take his property.

Ms. Little stated she is just a lay pension but when she reads the Tennessee Statue which says a municipality may not annex additional territory if it has not provided services in accordance with the plan for previously annexed territory, it does not say whether if it is requested or by ordinance.

ADOPT PLAN OF SERVICES (Continued)

Councilmen Benson stated the owner has requested it and we have presented the services we will give him if we take him in. He asked for confirmation if the services have been presented.

Mike Price of MAP Engineers was present representing the land owner and responded affirmatively.

Councilman Benson stated the applicant heard what we can do for him and he wants us to do it as it is his personal property.

Ms. Little stated "correct"; that there are areas that have been annexed for 38 years that should get those services first.

Councilwoman Scott asked if the owner of the property wishing to be annexed were present.

Mike Price responded "yes", that is correct; that he is representing a client who is asking to be annexed.

Councilwoman Scott asked if there are any plans whatsoever to ask for a TIF. Mr. Price responded "no".

On motion of Councilman Benson, seconded by Councilman Gilbert,
**AN ORDINANCE ADOPTING A PLAN OF SERVICES AND EXTENDING
THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE,
BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE PRESENT
CORPORATE LIMITS OF SAID CITY, OWNED BY BARRIER PROPERTIES,
LLC d/b/a/ CAMBRIDGE SQUARE BEING MORE FULLY DESCRIBED
HEREIN**

passed first reading.

MORATORIUM

On motion of Councilwoman Scott, seconded by Councilman McGary,
**A RESOLUTION TO ADOPT A NINETY (90) DAY MORATORIUM ON
APPROVAL OF ANY TAX INCREMENT FINANCING (TIF) TO ALLOW TIME
TO DEVELOP APPROPRIATE GUIDELINES PROVIDED THAT UPON
ADOPTION OF GUIDELIENS BY THE CITY COUNCIL THIS MORATORIUM
SHALL TERMINATE**

was adopted.

CONTRACT

On motion of Councilman McGary, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PUBLIC WORKS TO AWARD CONTRACT NO. W-09-014-201, CITICO CREEK INTERCEPTOR REHABILITATION PROJECT TO MOORE CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF ONE MILLION SIX HUNDRED SEVENTY-THREE THOUSAND TWO HUNDRED NINETY DOLLARS (\$1,673,290.00), WITH A CONTINGENCY AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$165,000.00), FOR AN AMOUNT NOT TO EXCEED ONE MILLION EIGHT HUNDRED THIRTY-EIGHT THOUSAND TWO HUNDRED NINETY DOLLARS (\$1,838,290.00), SUBJECT TO SRF LOAN APPROVAL

was adopted.

ACCEPT DONATION

On motion of Councilman Murphy, seconded by Councilman Rico,

A RESOLUTION AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ACCEPT A DONATION OF A DEED OF CONSERVATION EASEMENT FROM W.R. GRACE & COMPANY FOR A PIECE OF PROPERTY LOCATED AT 1451 MUELLER AVENUE TO ASSIST IN THE CONTINUATION OF THE SOUTH CHICKAMAUGA CREEK GREENWAY

was adopted.

SPECIAL POLICEMEN

Councilman Benson stated he has received e-mails from several people complaining about the lack of enforcement of parking meters on McCallie Avenue, noting the flag on most of them are up nearly all day long and have not been adequately enforced to make the cars rotate. He stated Tom Dugan informed him today beginning Monday these people that are being approved tonight will go to work on that situation and see that there is fair rotation on those meters and that includes Fortwood, also.

Councilwoman Scott asked the City Attorney to give the Council confidence that because we are authorizing and commissioning these individuals who are not employees of the city of Chattanooga that we have no liability for their actions.

SPECIAL POLICEMENT (Continued)

City Attorney McMahan responded that he cannot say absolutely we have no liability for their actions because we created a Parking Authority, but they are independent employees, not employees of the city, and are working under the direction of CARTA and they are also privately employed, so there are two levels of protection before they can possibly get to the city. He stated to his knowledge in the history of our parking enforcement we have never had a claim arising out of those low risk activities.

On motion of Councilman Rico, seconded by Councilman Murphy,

A RESOLUTION APPROVING SPECIAL POLICE COMMISSIONS FOR PARKING ENFORCEMENT FOR THE CHATTANOOGA AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA) FOR GREGORY ALEXANDER, CHRISTOPHER KING, NATHAN LUSK, ALFRED SMITH, III, ERNESTINE STRICKLAND, JOHNNY BOSTIC, BRADLEY MOFSKY, DAVID CRANE, SHANNA BAHR, BEVERLY DAWN MILLER, NATHAN FRAZIER, LINDSAY DANIEL, JOHNATHON BELL, AND ZEBULON PATTERSON

was adopted.

WAIVER OF FEES

On motion of Councilwoman Robinson, seconded by Councilman Murphy,

A RESOLUTION AUTHORIZING THE WAIVER OF LANDFILL DISPOSAL FEES ASSOCIATED WITH THE TENNESSEE RIVER RESCUE, IN AN AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)

was adopted.

GRANT

On motion of Councilwoman Berz, seconded by Councilwoman Robinson,

A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF EDUCATION, ARTS & CULTURE TO APPLY FOR AND, IF AWARDED, ACCEPT ALLIED ARTS OF GREATER CHATTANOOGA COMMUNITY CULTURAL CONNECTIONS GRANT TO FUND CULTURAL ARTS CLASSES AT THE EASTGATE SENIOR ACTIVITY CENTER, IN THE AMOUNT OF THREE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$3,350.00)

was adopted.

OVERTIME

Overtime for the week ending October 11, 2012 totaled \$4,448.33.

PERSONNEL

The following personnel matters were reported for the various departments:

CITY ATTORNEY'S OFFICE:

- **SUMMER STEWART** – Hire, Administrative Support Specialist, Range 10, \$29,137.00 annually, effective October 5, 2012.

CHATTANOOGA HUMAN SERVICES:

- **LINDA ASTACIO** – Hire, Service Delivery Worker, \$25,500.00 annually, effective October 5, 2012.

PUBLIC WORKS DEPARTMENT:

- **JUSTIN HOWELL** – Hire, Engineering Technician, Engineering, Range 13, \$41,231.00 annually, effective September 28, 2012.
- **JASON PAYNE** – Promotion, Engineering Coordinator, Engineering, Range 21, \$51,795.00 annually, effective October 5, 2012.
- **ERIC BOOKER** – Promotion, Construction Program Supervisor, Engineering, Range 21, \$57,055.00 annually, effective October 5, 2012.

CHATTANOOGA FIRE DEPARTMENT:

- **BRADFORD RANSOM** – Military Leave (extension), Firefighter, effective September 25-27, 2012.

REFUNDS

On motion of Councilman Rico, seconded by Councilman Murphy, the Administrator of Finance was authorized to issue the following refunds for 2011 property tax:

GUNBARREL PLACE LLC	\$4,656.43
DODSON AVENUE PARTNERS LP	\$1,117.54
BOYNTON II LP	\$3,492.32
ATLANTIC SOUTHEAST AIRLINES	\$3,449.93

PURCHASE

On motion of Councilman Rico, seconded by Councilwoman Robinson, the following purchase was approved for sue by the Neighborhood Services Department:

HARRIS COMPUTER SYSTEMS (Single source)
R66726

Purchase of City View Software Maintenance per TCA 6-56-304.2

\$14,958.42

BOARD APPOINTMENTS/RE-APPOINTMENTS

On motion of Councilman Murphy, seconded by Councilwoman Robinson, the following Board appointments were approved:

WASTEWATER REGULATIONS AND APPEALS:

- Re-appointment of **DAVID D. ASHBURN** (as the Georgia representative), **MIKE BOWMAN** (as the Environmental Engineer) and **ARTHUR GRISHAM** (as the attorney) for four year terms expiring May 31, 2016.

BOARD APPOINTMENTS/RE-APPOINTMENTS
(Continued)

TREE COMMISSION:

- Appointment of **JAN C. PASS** for a three year term expiring October 15, 2015.

PUBLIC LIBRARY BOARD:

- Appointment of **LILLIAN B. BRUCE** for at three year term expiring October 8, 2015.

CHATTANOOGA HOUSING AUTHORITY:

- Appointment of **EDNA E. VARNER** to fill the unexpired term resulting from the death of Consuela O'Neal for a term expiring June 1, 2014.
- Re-appointment of **JIM T. STEFFES** to a five year term expiring October 10, 2015.
- Re-appointment of **JAMES F. SATTLER** for a five year term expiring August 25, 2016.
- Re-appointment of **MOLLY COOPER** for a five year term expiring June 1, 2016.

FLAT TIRE ISSUE

Councilman Rico stated he has received calls regarding the tires that were flattened; that people in his district have really been upset and want to know if a reward could be given to find out what is going on; that he is certain the police are investigating, but they are really upset and thought if a reward were issued someone might tell on someone. He stayed he was asked it bring it up and is doing so.

Councilman Murphy stated he is sure the department will consider it for the Crimestoppers program which exists for that purpose; that they best positioned to make the decisions about appropriate uses of that program.

FLAT TIRE ISSUE (Continued)

Councilman Benson stated that is what he was going to say; that it is a bad precedent for the city to get in that business unless we are working it through an agency like Crimestoppers; that it is the credible route to take and what he would advise.

Councilman Rico stated that is what he thought they meant, but could ask the Police Department or someone to do it.

Captain Roddy stated a specific investigator with the Property Crimes Unit has been assigned to the case and it is being handled by one specific investigator for all the claims that were put forth in all the reports; that he is not sure of the status of the investigation but will pass along the thought of the Crimestoppers to see if we can use that in the investigation and maybe it will prompt something they have not already drawn to a conclusion on that.

COMMITTEES

Chairman Ladd reminded Council members of the **informational presentation from the Chamber of Commerce regarding THRIVE 2055** which involves a 16 county planning initiative scheduled for Tuesday, October 23.

Councilwoman Robinson stated the Housing Committee met this afternoon and had an opportunity to talk with candidates for membership on the Chattanooga Housing Authority Board, as well as hear from Betsy McCright, Executive Director, on some of the issues facing them. She stated it was a very positive exchange and one that will inform the Council and Board appointees as we go forward.

Councilman Rico scheduled a meeting of the **Public Works Committee for Tuesday, October 23** immediately following the Agenda Session.

Councilwoman Berz stated the Council will receive within the next week-or-so the letter that will be sent to the agencies regarding the budget; that everything is electronic so we can have full disclosure on everything. She stated all of the Council's ideas and suggestions have been incorporated and think they have it right. She asked that Council members please make comments as the letters will be going out electronically in November. She stated the agencies are setting their budgets now and (the Council) will begin having educational sessions in February; that Council member comments should be submitted right away.

COMMITTEES (Continued)

Councilwoman Scott stated since there has been a change in the website, where will the information be posted.

Councilwoman Berz stated it will be posted where it was before -- under "Council", and then "agency requests"; that it is not on the website right now as the information will go to the Council first from her. She again asked that the Council return the information right away so it can be posted for the agencies.

Councilman Benson asked if we are still going to use the United Way as he thought it worked very well last year. The response was "yes".

NEXT WEEK'S AGENDA: OCTOBER 23, 2012

Chairman Ladd referred Council members to next week's agenda and inquired as to whether there were questions; being none, the meeting continued.

ADJOURNMENT

Chairman Ladd adjourned the meeting of the Chattanooga Council until Tuesday, October 23, 2012 at 6:00 p.m.

CHAIRMAN

CLERK OF COUNCIL

**(A LIST OF NAMES OF PERSON IN
ATTENDANCE IS FILED WITH MINUTE MATERIAL OF THIS DATE)**